UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---|---|---|---|
| 09/909,250 | 07/19/2001 | Rod Mancisidor | WHISPERWIRE-03R | 8686 |

26874        7590        11/28/2007
FROST BROWN TODD, LLC
2200 PNC CENTER
201 E. FIFTH STREET
CINCINNATI, OH 45202

| EXAMINER |
|---|
| ARAQUE JR, GERARDO |

| ART UNIT | PAPER NUMBER |
|---|---|
| 3629 | |

| NOTIFICATION DATE | DELIVERY MODE |
|---|---|
| 11/28/2007 | ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

dbell@fbtlaw.com
rgaunce@fbtlaw.com

| | Application No. | Applicant(s) |
|---|---|---|
| **Office Action Summary** | 09/909,250 | MANCISIDOR ET AL. |
| | **Examiner** | **Art Unit** | |
| | Gerardo Araque Jr. | 3629 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on <u>15 June 2007</u>.

2a)☐ This action is **FINAL**.        2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) <u>1-8,41-46,51 and 66-82</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-8,41-46,51 and 66-82</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some *  c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

# DETAILED ACTION

## *Specification*

1.    The specification has not been checked to the extent necessary to determine the

presence of all possible minor errors.  Applicant's cooperation is requested in correcting

any errors of which applicant may become aware in the specification.

## *Claim Rejections - 35 USC § 102*

2.    The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.    **Claims 1 – 8, 41 – 46, 51, and 66 – 82** are rejected under 35 U.S.C. 102(e) as

being anticipated by **McCann et al. (US Patent 5,963,939)**.

4.    In regards to **claim 1**, **McCann** discloses a method for recommending a product

using a computer implemented expert system, the method comprising:

utilizing the expert system to determine problem domain information via

interaction between a live human agent and a customer **(Col. 1 Lines 26 – 29; Col. 2**

**Lines 36 – 52)**;

utilizing the expert system to determine need information of the customer via

interaction between the live human agent and the customer, wherein the need

information relates to telecommunication needs of the customer **(Col. 1 Lines 26 – 29;;**

**Col. 2 Lines 36 – 38, 55 – 59; Col. 3 Lines 1 – 4)**;

inputting the customer need information into the expert system, wherein the act

of inputting the customer need information into the expert system is performed by the

live human agent **(Col. 3 Lines 1 – 4, 30 – 34)**;

transforming the customer need information into a trait, the trait being

characteristic of a telecommunications product of relevance to the customer, the

telecommunications product of relevance being selected from a plurality of available

telecommunications products **(Col. 3 Lines 39 – 46)**; and

calculating a rating of a telecommunications product within the plurality of

available telecommunications products, wherein the act of calculating the rating is

performed by the expert system **(Col. 4 Lines 24 – 30)**.

5.      In regards to **claim 2**, **McCann** discloses wherein utilizing the expert system to

determine the need information of the customer comprises asking questions provided

by the expert system and inputting the customer need information into the expert

system via a graphical user interface serviced by an agent computer **(Col. 3 Lines 37 –**

**46)**.

6.      In regards to **claim 3**, **McCann** discloses summarizing the ratings of the plurality

of telecommunications products **(Col. 11 – 12 Lines 66 – 6; Col. 12 Lines 25 – 38)**;

and

providing explanation of the ratings of the plurality of available

telecommunications products **(Col. 11 – 12 Lines 66 – 6)**.

7.      In regards to **claim 4, McCann** discloses wherein the summary of the ratings of

the plurality of available telecommunications products comprises at least one of a

recommended solution, a compatible solution, and a not recommended solution **(Col. 3**

**Lines 18 – 22)**.

8.      In regards to **claim 5, McCann** discloses wherein the plurality of available

telecommunications products comprises a service **(Col. 3 Lines 30 – 34)**.

9.      In regards to **claim 6, McCann** discloses further comprising communicating the

rating from the live human agent to the customer and wherein the calculating the rating

of the telecommunications product within the plurality of available telecommunications

products is performed in real time **(Col. 1 Lines 26 – 29; Col. 3 Lines 34 – 39)**.

10.     In regards to **claim 7, McCann** discloses wherein the expert system employs a

fuzzy value in calculating the rating of the telecommunications product **(Col. 2 Lines 48**

**– 52)**.

11.     In regards to **claim 8, McCann** discloses wherein the expert system employs a

crisp value in calculating the rating of the telecommunications product **(Col. 4 Lines 25**

**– 30)**.

12.     In regards to **claim 41, McCann** discloses an expert system that is operable for

recommending a product, the expert system comprising:

        a computer network **(Figure 1)**;

        a live human agent interface, communicatively coupled to the computer network,

comprising a graphical user interface **(Figure 45)**;

a product database communicatively coupled to the computer network that

contains a plurality of available telecommunications products, the product database

being communicatively coupled to a plurality of providers of the plurality of available

telecommunications products thereby allowing updating of the product database in real

time **(Col. 2 Lines 64 – 67; Col. 20 Lines 23 – 25)**; and

an expert system, communicatively coupled to the computer network, that is

operable to rate at least two available telecommunications products within the plurality

of available telecommunications products using dynamic calculation and based on a

customer need **(Col. 3 Lines 10 – 22; Col. 15 lines 42 – 45)**;

wherein the expert system comprises computer executable instructions which

allow a live human agent to perform selection of an available telecommunications

product from the product database based on the rating of the at least two available

telecommunications product during an interaction with a customer **(Col. 3 Lines 10 –**

**22; Col. 15 Lines 42 – 45)**;

wherein the expert system generates output comprising a recommended

telecommunications solution and a compatible telecommunications solution and

presents the output to the live human agent via the graphical user interface, each of the

recommended telecommunications solution and a compatible telecommunications

solution being selected from the plurality of available telecommunications products

within the product database, the recommended telecommunications solution **(Col. 4**

**Lines 24 – 30; Figure 50; Figure 51)**; and

wherein the recommended telecommunications solution and the compatible

telecommunications solution are communicated to the customer in real time after the

expert system generates the output **(Col. 3 Lines 30 – 34)**.

13.    In regards to **claim 42, McCann** discloses wherein at least one of the

recommended solution and the compatible solution comprises at least one of a data

network solution and an Internet access solution **(Figure 50)**.

14.    In regards to **claim 43, McCann** discloses wherein the output further comprises

an explanation for why the recommended solution was selected by the expert system

**(Col. 3 Lines 10 – 22)**.

15.    In regards to **claim 44, McCann** discloses wherein the expert system employs at

least one of a dedicated Internet access guidance engine and a data network guidance

engine to rate the at least two available products within the plurality of available

products **(Col. 2 Lines 59 – 63; Col. 3 Lines 10 – 22; Col. 4 Lines 20 – 30; Col. 15**

**Lines 42 – 45; Col. 20 Lines 23 – 25)**.

16.    In regards to **claim 45, McCann** discloses wherein the graphical user interface is

operable to present information concerning at least one of the available products within

the plurality of available products to the live human agent **(Figure 50)**.

17.    In regards to **claim 46, McCann** discloses a plurality of software instructions

stored on a media that, upon execution by a processing circuitry, are operable to

recommend a product by using an expert system, comprising:

a set of instruction executed by the processing circuitry that determines problem

domain information during an interaction between a live human agent and a customer,

wherein the problem domain relates to a telecommunications network configuration

**(Col. 1 Lines 26 – 29; Col. 2 Lines 36 – 38);**

a set of instruction executed by the processing circuitry that determines need

information of the customer during the interaction between the live human agent and the

customer, wherein the need information relates to a telecommunications network

configuration **(Col. 1 Lines 26 – 29;; Col. 2 Lines 36 – 38, 55 – 59; Col. 3 Lines 1 – 4);**

a set of instruction executed by the processing circuitry that inputs the customer

need information into the expert system **(Col. 3 Lines 1 – 4);**

a set of instruction executed by the processing circuitry that transforms the

customer need information into a trait, the trait being characteristic of a product of

relevance to the customer as determined using expert system processing that is

performed by the expert system, the product of relevance being selected from a plurality

of available products **(Col. 3 Lines 39 – 46);** and

a set of instruction executed by the processing circuitry that rates a product

within the plurality of available products using the expert system, wherein the product

comprises a telecommunications network configuration **(Col. 4 Lines 24 – 30).**

18.      In regards to **claim 51, McCann** discloses a plurality of software instructions

stored on a media that, upon execution by a processing circuitry, are operable to

recommend a telecommunications network configuration, comprising;

a set of instruction executed by the processing circuitry that performs expert

system processing to rate at least two available products within a plurality of available

products using dynamic calculation and based on a customer need, wherein the

products comprise a telecommunications network configuration **(Col. 3 Lines 1 – 22; Col. 15 Lines 42 – 45)**;

a set of instruction executed by the processing circuitry that enable a live human agent to respond to a communication of a customer need by accessing the functionality of the expert system processing via the graphical user interface to perform selection of an available product form the product database based on the rating of the at least two available products in real time during an interaction with a customer **(Col. 3 Lines 1 – 22, 30 – 46; Col. 15 Lines 42 – 45)**;

a set of instruction executed by the processing circuitry that generates output comprising a recommended solution and a compatible solution and presents the output to the live human agent via the graphical user interface, each of the recommended solution and a compatible solution being selected from the plurality of available products within the product database, the recommended solution having a rating that is higher than the rating of the compatible solution **(Col. 3 Lines 18 – 22, 30 – 46; Col. 4 Lines 24 – 30)**; and

a set of instruction executed by the processing circuitry that prompts the live agent with the recommended solution comprising a network configuration and the compatible solution to be communicated to the customer in real time **(Col. 3 Lines 30 – 46)**.

19. In regards to **claim 66, McCann** discloses wherein the plurality of available telecommunications products comprises a plurality of telecommunications network configurations **(Col. 3 Lines 1 – 22)**.

20.    In regards to **claim 67, McCann** discloses wherein the rated telecommunications

product comprises a telecommunications network product comprises a

telecommunications network configuration **(Col. 3 Lines 1 – 22; Figure 50)**.

21.    In regards to **claim 68, McCann** discloses a method of providing a network

configuration solution to a customer, the method comprising:

utilizing an expert system to obtain information from a customer regarding

product needs of the customer via interaction between a live human agent and the

customer **(Col. 1 Lines 26 – 29; Col. 2 Lines 36 – 38, 55 – 59; Col. 3 Lines 1 – 4)**;

presenting an interface allowing the live human agent to enter the information

into a computer system, wherein the computer system comprises the expert system

**(Col. 3 Lines 1 – 4)**;

processing the information, wherein the act of processing is performed by the

expert system within the computer system **(Col. 3 Lines 39 – 46)**;

producing at least one product solution, wherein the at least one product solution

is produced by the expert system within the computer system, wherein the act of

producing at least one product solution is performed in accordance with the entered and

processed information **(Col. 3 Lines 1 – 22)**;

presenting the at least one product solution to the human agent, wherein the act

of presenting that at least one product solution to the live human agent is performed by

the computer system **(Figure 50)**; and

presenting at least a portion of the at least one product solution produced by the

expert system to the customer, wherein the act of presenting at least a portion of the at

least one product solution to the customer is performed by the live human agent **(Col. 3 Lines 30 – 34)**.

22.    In regards to **claim 69, McCann** discloses wherein the act of processing comprises using fuzzy logic to product at least on product solution **(Col. 2 Lines 48 – 52)**.

23.    In regards to **claim 70, McCann** discloses wherein the act of processing comprises using heuristics to product at least one product solution **(Col. 2 Lines 48 – 52)**.

24.    In regards to **claim 71, McCann** discloses further comprising presenting a plurality of product solutions to the customer **(Col. 3 Lines 1 – 22)**.

25.    In regards to **claim 72, McCann** discloses wherein each product solution of the plurality of product solutions is qualified by a ranking selected from a plurality of rankings **(Col. 4 Lines 24 – 30)**.

26.    In regards to **claim 73, McCann** discloses wherein the plurality of rankings comprise recommended, compatible, and not recommended **(Col. 3 Lines 18 – 22)**.

27.    In regards to **claim 74, McCann** discloses further comprising providing a script to the live human agent, wherein the act of providing a script is performed by the expert system via the computer system **(Col. 3 Lines 30 – 46)**.

28.    In regards to **claim 75, McCann** discloses wherein the provided script relates to the act of obtaining information from the customer **(Col. 3 Lines 30 – 46)**.

29.    In regards to **claim 76, McCann** discloses wherein the script comprises one ore more questions for the live human agent to ask the customer **(Col. 3 Lines 30 – 46)**.

30.    In regards to **claim 77, McCann** discloses wherein the customer has no direct interaction with the expert system **(Col. 3 Lines 1 – 7)**.

31.    In regards to **claim 78, McCann** discloses wherein the needs of the customer comprise telecommunications needs **(Col. 3 Lines 1 – 22)**.

32.    In regards to **claim 79, McCann** discloses wherein the at least one product solution comprises a telecommunications network configuration solution **(Col. 3 Lines 30 – 46)**.

33.    In regards to **claim 80, McCann** discloses wherein at least a portion of the needs of the customer are represented as data points **(Col. 3 Lines 39 – 46; Col. 6 Lines 37 – 47; Col. 11 Lines 24 – 42; Col. 12 Lines 34 – 38; Col. 15 Lines 42 – 45; Col. 35 – 36 Lines 65 – 4)**.

34.    In regards to **claim 81, McCann** discloses wherein that at least a portion of the needs of the customer are represented as data points by the live human agents during the act of entering the information into the computer system **(Col. 3 Lines 39 – 46; Col. 6 Lines 37 – 47; Col. 11 Lines 24 – 42; Col. 12 Lines 34 – 38; Col. 15 Lines 42 – 45; Col. 35 – 36 Lines 65 – 4)**.

35.    In regards to **claim 82, McCann** discloses wherein the at least a portion of the needs of the customer are represented as data points by the expert system during the act of processing the information **(Col. 3 Lines 39 – 46; Col. 6 Lines 37 – 47; Col. 11 Lines 24 – 42; Col. 12 Lines 34 – 38; Col. 15 Lines 42 – 45; Col. 35 – 36 Lines 65 – 4)**.

### *Response to Arguments*

36.     Applicant's arguments with respect to **claims 1 – 8, 41 – 46, 51, and 66 – 82** have been considered but are moot in view of the new ground(s) of rejection.

### *Conclusion*

37.     The prior art made of record and not relied upon is considered pertinent to applicant's disclosure can be found in the PTO-892 Notice of References Cited.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerardo Araque Jr. whose telephone number is (571)272-3747. The examiner can normally be reached on Monday - Friday 8:30AM - 4:00PM.
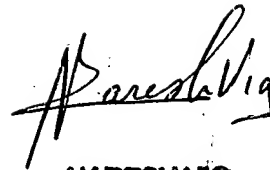
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GA
11/19/07

NARESH VIG
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600